IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY SEVENTH DAY OF JANUARY
TWO THOUSAND AND SIX

PRESENT

THE HON'BLE MR JUSTICE R.SUBHASH REDDY

WRIT PETITION No. 4229 of 2000

Between:

Sri Venkateswara Modern Dall Mill,

Industrial Estate, Rep by its Accountant,

Mr. E. Hanumantha Rao

..... PETITIONER

AND

The Director of Agricultural Market Committee,
Basheerbagh, Hyderabad and another

.....RESPONDENTS

ORDER:

This writ petition is filed by the petitioner, which is a Dall mill, seeking directions by way of Writ of Mandamus, to declare that the respondents are not entitled to collect any market fee from the petitioner for the goods in transit, which are purchased outside the State of Andhra Pradesh and passing through the area of the respondent-Agricultural Market Committee.

Heard the learned counsel on either side.

The petitioner has not questioned any demand raised by the respondents in the affidavit filed in support of the writ petition, and there is no reference to any particular instance where the demand is raised with reference to the commodity, which was either purchased or sold within the area of the respondent-Agricultural Market Committee.

Though it is submitted by the learned counsel for the petitioner that the Division Bench of this Court was already held that in the absence of any sales and purchases within the area of the market committee, merely on the ground that the commodity is being transported from the area of the operation of the market committee, no levy can be made, under Section 12 of the Andhra Pradesh (Agricultural Produce and Live Stock) Markets Act, 1966. But, however, the above proposition of law will apply only depending on the facts and circumstances of each and every case.

In the affidavit filed in support of the writ petition, no single instance averred when and where the respondents stopped the transit of goods of the petitioner and imposed levy. For every transaction, it is a matter to be enquired by the respondent-market committee as to whether any sales or purchases were affected within the notified market area or not. But in the absence of any demand and without reference to any instance, where such levy was imposed, no declaration can be granted as sought for by the petitioner. The writ petition is devoid of merit and liable to be

dismissed.

Accordingly, the Writ Petition is dismissed. No order as to costs.

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R.SUBHASH REDDY,J

Dated: 27.01.2006

Dsr